IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1465 OF 2006

Anilkumar Shrilal Parikh ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mrs. Nasreen Ayubi, Advocate appointed for the applicant.

Ms. Gajre., APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 13TH APRIL, 2007.

P.C.

. Heard Ms. Nasreen Ayubi, learned Advocate appointed for the applicant, who has made this application from Jail, and Ms. Gajre, learned APP for the State. The applicant was convicted for the different charges in Sessions Case Nos. 240/2003, 241/2003 and 242/2003 by separate Judgments on 15/2/2005 itself by the 8th Ad-hoc Additional Sessions Judge, Greater Bombay. By this application, he requested that the substantive sentences of imprisonment of these three cases may be directed to run concurrently.

2. The Judgment in Sessions case No. 240/2003 reveals that the accused was convicted for the offence punishable under Section 392 r/w section 397 IPC and was

sentenced to undergo R.I. for 7 years and to pay fine of Rs.1000/- and in default to undergo R.I. for three months. For the offence under Section 452 IPC he was sentenced to undergo R.I.for three years and to pay fine of Rs. 1000/- i.e. to undergo R.I. for three months. The substantive sentence of imprisonment on both the counts was directed to run concurrently.

3. In Sessions Case No.241/2003, he was convicted for the offence under section 392, 452 and 341 of IPC. For the offences under section 392 and 452 of IPC he was awarded R.I. for three years and fine of Rs. 500/- on each count and in default to pay fine R.I. for one month and for the offence under section 341 IPC he was to undergo R.I. for one year and to pay fine of Rs. 500/- in default to undergo R.I.for one month. The substantive sentence of imprisonment of all three matters in this case was to run concurrently.

4. In Sessions Case No. 242/2003 also he was convicted and sentenced for the offence punishable under Sections 392, 452 and 341 of IPC and similar sentences as in Sessions case no.241/2003 were awarded.

5. Besides this, in para No. 6 of the final order in Sessions Case no. 241/2003 the leaned Ad-hoc Additional Sessions Judge directed as follows:-

> "Accused No.1 Anilkumar is also convicted in Crime No. 349/2003 in (Sessions Case No. 340/2003) and in Crime No. 126/2002 in (Sessions cause No.242/2003). He is in jail. His substantive sentences of imprisonment shall run concurrently with such previous sentences."

This order, which is at the end of the order pertaining the sentence passed in Sessions Case No. 241/2003, makes it clear that the substantive sentence of imprisonment awarded in Sessions case No. 240/2003 and Sessions case No.242/2003 are also to run concurrently with the substantive sentence of imprisonment awarded in Sessions case No.241/2003. In view of this, there is no need to pass any further order. Ms. Gajre, learned A.P.P.also concedes that in view of this order, the sentence of substantive imprisonment in all three matters is to run concurrently. It is possible that the jail authorities might be in doubt and that made the applicant to move this application for direction. In view of the above circumstances, no further directions are required. Copy of this order be sent to the accused, as well as the Superintendent of the Jail, Kolpaur Central Prison where the accused is undergoing

sentence for the information. Application stands disposed of.

(J.H. BHATIA, J.)